

**STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT**

FRANCES PATTON,

Plaintiff,

vs.

No.: D-202-CV-2018-03048

**DOWNES AT ALBUQUERQUE, INC.,
d/b/a THE DOWNES RACETRACK & CASINO, a domestic corporation,
and NEW MEXICO STATE FAIR a/k/a EXPO NEW MEXICO, a domestic corporation,**

Defendants.

COMPLAINT FOR NEGLIGENCE AND PERSONAL INJURIES

COMES NOW Plaintiff, Frances Patton, by and through her attorney, POFAHL LAW FIRM, P.C. (Brady C. Pofahl), and for her Complaint for Personal Injuries and Damages against the Defendants, states as follows:

JURISDICTION AND VENUE

1. Plaintiff, Frances Patton (hereinafter "Plaintiff") is a resident of Terry County in the State of Texas.
2. Defendant Downes at Albuquerque, Inc. (hereinafter "The Downes") is a domestic corporation licensed by the State of New Mexico to conduct business within the state and currently owns and operates The Downes Racetrack and Casino, in Bernalillo County, New Mexico.
3. At all times relevant to the Complaint, The Downes leased and operated the Racetrack and Casino located on the Expo NM fair grounds in Albuquerque, New Mexico.
4. Defendant New Mexico State Fair (hereinafter "Expo NM") is a domestic corporation

EXHIBIT

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licensed by the State of New Mexico to conduct business within the state and currently owns and operates New Mexico State Fairgrounds, Bernalillo County, New Mexico.

5. The Downs leased the casino and racetrack from Defendant Expo NM.
6. Expo NM is an agency of the State of New Mexico, and the owner of the fairgrounds including the casino and racetrack located at the Expo NM fair grounds.
7. The events described in this Complaint occurred within Bernalillo County, New Mexico.
8. Jurisdiction and venue are proper with this Court.

GENERAL ALLEGATIONS

9. Plaintiff incorporates the above allegations as though fully restated herein.
10. On May 20, 2017, Plaintiff was an invitee at the The Downs located at 145 Louisiana Blvd., Albuquerque, NM 87108.
11. Plaintiff Frances Patton at all relevant times, was keeping a proper lookout and exercising reasonable care for her own safety.
12. Plaintiff was partaking in the use of a slot machine that was elevated on a raised platform. After playing the slot for a while, Plaintiff Frances Patton, attempted to exit the raised platform to meet up with her party when she stepped off the ledge and fell causing her to break her hip.
13. Plaintiff was then attended and transported by ambulance from the scene of the incident to receive emergency medical care for her injuries.
14. Plaintiff Frances Patton suffered personal injuries requiring a surgery that has interfered with her ability to engage in normal social and recreational activities. They have caused her significant and ongoing pain and suffering and the loss of enjoyment of life.

COUNT ONE-NEGLIGENCE

15. Plaintiff incorporates the above allegations as though fully restated herein.
16. At all times, herein, Defendants owned, designed, operated, maintained and/or otherwise controlled the area where Plaintiff Frances Patton fell.
17. Defendants and/or its employees owed the Plaintiff a duty to safeguard, maintain, warn, and use ordinary care within a place of public accommodation which includes their 65,000 square foot gaming facility with over 700 gaming machines.
18. Defendants are responsible and liable for the acts and omissions of its employees, agents, servants, apparent agents and representatives under the theory of respondeat superior.
19. Defendants' negligence includes one or more of the following acts or omissions; failure to inspect the premises for hazardous and dangerous conditions, failure to adequately maintain or repair the premises, and/or failure to otherwise discover and correct the hazard.
20. As a direct and proximate result of the negligence of Defendants, Plaintiff has suffered permanent physical injuries, and pain and suffering.

WHEREFORE, Plaintiff respectfully requests that the Court find in her favor and against the Defendants in an amount sufficient to compensate Plaintiff for all damages, injuries, losses, costs, and interest recoverable under the law, including prejudgment interest, and for such further relief as the Court deems proper.

Respectfully submitted,

POFAHL LAW FIRM, P.C.

By /s/ Brady C. Pofahl

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